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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,848	11/13/2003	Fabio DeSisti	7338	9504
55740	7590	04/18/2006	EXAMINER	
GAUTHIER & CONNORS, LLP			TRAN, THUY V	
225 FRANKLIN STREET			ART UNIT	
BOSTON, MA 02110			PAPER NUMBER	
			2821	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/712,848

Applicant(s)

DESISTI ET AL.

Examiner

Thuy V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE filed on 03/31/2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This is a response to the Applicants' Request for Continued Examination (RCE) filed on March 31, 2006. In virtue of this RCE, claims 4-5 and 11 were previously canceled, and claims 1-3 and 6-10 remain pending in the instant application.

#### *Request for Continued Examination (RCE) entered*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 31, 2006 has been entered.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claims 1-3 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicants' Admitted Prior Art (AAPA) Fig. 2.

With respect to claim 1, AAPA Fig. 2 shows a device for switching on and powering discharge lamps comprising a current limiting device [9], a square wave generator (not shown; see specification; page 6, lines 6-7), an igniter [11], two high tension connection cables [15], a lamp holder [16] with a discharge lamp coupled (thereto); said igniter comprises a high tension transformer [12] and overlapping transformers [13, 14]; said device is characterized in that said

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igniter is divided into a first stage of the igniter, or pulse generator transformer, and the high tension transformer [12], and in that said first igniter stage, or pulse generator transformer, and the high tension transformer [12] are assembled along with the above mentioned components, wherein the current limiting device module [9] is connected by two reduced section cables [OUT1, OUT2] to said first stage of the igniter, or pulse generator transformer, and further wherein said current limiting device module [9] and said first stage of the igniter, or pulse generator transformer, are subjected to movement and/or traction (since connection is made with cables [OUT1, OUT2]).

With respect to claim 2, AAPA Fig. 2 shows that the first stage of the igniter, or pulse generator transformer, is fixed to the lamp holder (via cables [15]).

With respect to claim 3, AAPA Fig. 2 shows that the first stage of the igniter, or pulse generator transformer, integrally moves along with the lamp holder (via cables [15]).

With respect to claim 6, AAPA Fig. 2 shows that the first stage of the igniter, or pulse generator transformer, comprises a transformer [13, 14].

With respect to claim 7, AAPA Fig. 2 shows that the first stage of the igniter, or pulse generator transformer, comprises two transformers [13, 14].

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

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5. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA Fig. 2 in view of Elliott (U.S. Patent No. 4,414,491).

With respect to claims 8-10, AAPA Fig. 2 discloses all of the claimed subject matter, as expressly recited in claims 1 and 6-7, except for each of the transformers being comprised of a toroidal core.

Elliott discloses, in Fig. 1, a transformer being comprised of a toroidal core [33].

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the device of AAPA Fig. 2 by employing the transformers individually configured with a toroidal core so as to obtain a reduction of the net flux when increasing the load current and that of size or dimensions since such an arrangement of the transformers with toroidal cores with the stated purpose has been well known in the art as evidenced by the teachings of Elliott (see col. 3, lines 28-31).

#### ***Remarks and conclusion***

6. Applicants' arguments filed on March 31, 2006 have been fully considered but they are not persuasive.

In response to the Applicants' arguments at page 3 that *"the igniter according to the Applicants' invention is based on fixing, on the bottom box of the luminaire, only the first igniter stage. The first igniter stage generates only 6kW with a very low current (only a few milliamps) and only working for the duration of the lamp ignition, which averages about 1 second. The high voltage state of the igniter is assembled on the mobile carriage under the lamp holder in order to have very short high voltage cables, which are fixed, so that they do not represent a capacitance loss during the ignition. Therefore, the size of the igniter can be optimized such that*

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*the cables will not touch any moving part and will not be subjected to movement.* ", it is noted that the above features/characteristics are not recited in the rejected claims, and therefore, they are not taken into consideration. Applicants are also noted that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Consequently, the rejections of claims 1-3 and 6-7 under 35 U.S.C. § 102 remain sustained (details having been addressed above).

In a similar explanation, claims 8-10 remain rejected as being unpatentable over the combined teachings of AAPA Fig. 2 and Elliott (details having been addressed above).

### ***Inquiry***

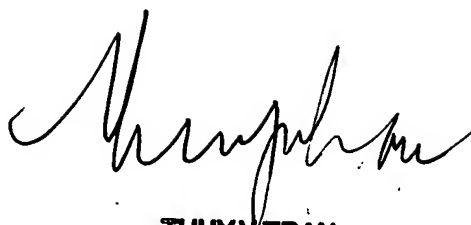
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy V. Tran whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:00 AM -4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan can be reached on (571) 272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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04/16/2006

A handwritten signature in black ink, appearing to read 'Thuy V. Tran', written in a cursive style.

**THUY V. TRAN**  
**PRIMARY EXAMINER**